

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ANTONIO GIVENS,

Plaintiff,

v.

SAN FRANCISCO POLICE DEPARTMENT,  
et al.,

Defendants.

No. C 10-02142 CW (PR)

ORDER OF DISMISSAL WITHOUT  
PREJUDICE

Plaintiff, a state prisoner, filed the present pro se prisoner complaint under 42 U.S.C. § 1983. On July 15, 2010, mail directed to Plaintiff by the Court was returned as undeliverable to the Clerk of the Court with a notation that Plaintiff was "not in custody." The record shows that Plaintiff was released from custody on June 22, 2010. (Letter from Sr. Dep. Gunn dated July 9, 2010 at 1.) To date, Plaintiff has not updated his address with the Court or submitted any further pleadings in this case.

Pursuant to Northern District Local Rule 3-11 a party proceeding pro se whose address changes while an action is pending must promptly file a notice of change of address specifying the new

1 address. See L.R. 3-11(a). The court may, without prejudice,  
2 dismiss a complaint when: (1) mail directed to the pro se party by  
3 the court has been returned to the court as not deliverable, and  
4 (2) the court fails to receive within sixty days of this return a  
5 written communication from the pro se party indicating a current  
6 address. See L.R. 3-11(b).

7 More than sixty days have passed since the mail directed to  
8 Plaintiff by the Court was returned as undeliverable. The Court  
9 has not received a notice from Plaintiff of a new address.  
10 Accordingly, the complaint is DISMISSED without prejudice pursuant  
11 to Rule 3-11 of the Northern District Local Rules.

12 The Clerk of the Court shall enter judgment in accordance with  
13 this Order, terminate all pending motions, and close the file.

14 IT IS SO ORDERED.

15 Dated: 9/22/2010



CLAUDIA WILKEN  
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

ANTONIO GIVENS,  
Plaintiff,

Case Number: CV10-02142 CW

**CERTIFICATE OF SERVICE**

v.

SAN FRANCISCO POLICE DEPARTMENT  
et al,

Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on September 22, 2010, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Antonio Givens #10665465  
San Francisco County Jail  
SF #433282  
850 Bryant Street  
San Francisco, CA 94103

Dated: September 22, 2010

Richard W. Wieking, Clerk  
By: Nikki Riley, Deputy Clerk

United States District Court  
For the Northern District of California